

Notice of Allowability

Application No.

10/084,629

Examiner

Darren W Gorman

Applicant(s)

HASEGAWA, KAGA

Art Unit

3752

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to communication filed May 6, 2004.
2. ☒ The allowed claim(s) is/are 1-10,12-19,22,23 and 27-41.
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Agent Mark DeLuca on July 2, 2004.

The application has been amended as follows:

- In claim 3, on lines 1-2, [further comprising a regulating member positioned proximate to the outer conduit,] has been deleted.
- In claim 10, on lines 1-2, [further comprising a regulating member positioned proximate to the outer conduit,] has been deleted.
- Claim 11 has been cancelled.
- In claim 12, on lines 1-2, [further comprising a regulating member positioned proximate to the outer conduit,] has been deleted.
- Claim 20 has been cancelled.

Allowable Subject Matter

2. Claims 1-10, 12-19, 22, 23, and 27-41 are allowed.

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3. The following is an examiner's statement of reasons for allowance: The prior art, alone or in combination, did not teach or fairly suggest a fluid spraying nozzle wherein the inner conduit and the outer conduit are composed of a flexible material, and wherein the front portion of the inner conduit and the front portion of the outer conduit move when gas is ejected from the outer conduit, together with the other claimed limitations as set forth in claims 1 and 13.

The prior art, alone or in combination, did not teach or fairly suggest a method of applying a fluid to a surface including the step of passing gas through the outer conduit, wherein passage of gas through the outer conduit pulls fluid from the fluid supply source through and out of the inner conduit, and wherein the front portion of the inner conduit and the front portion of the outer conduit move within the body when gas from the pressurized gas supply source passes through the outer conduit, together with the other claimed method steps as set forth in claims 22 and 39.

The prior art, alone or in combination, did not teach or fairly suggest a fluid spraying apparatus wherein the front portion of the inner conduit and the front portion of the outer conduit move within the body when gas from the pressurized gas supply source is ejected from the outer conduit, and wherein the fluid is pulled from the fluid supply source through the inner conduit when gas is ejected from the outer conduit such that the fluid is mixed with the ejected gas, together with the other claimed limitations as set forth in claim 27.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue

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fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Darren W Gorman whose telephone number is 703-306-4205.

The examiner can normally be reached on M-F 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Mar can be reached on 703-308-2087. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Darren W Gorman
Examiner
Art Unit 3752

DWG 7/2/04
DWG
July 2, 2004

Michael Mar
MICHAEL MAR
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700